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90-1288

Supreme Court, U.S.
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No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1990

ALLAN M. THOMANN, Petitioner,

v.

PEOPLE OF THE STATE OF ILLINOIS,
Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE
FOURTH DISTRICT APPELLATE
COURT OF THE STATE OF ILLINOIS

Larry S. Mills

LAW OFFICES OF RICHARD J. DOYLE
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1022 N. Vermilion St.
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Attorney for Petitioner

QUESTIONS PRESENTED

WHETHER THE UNITED STATES CONSTITUTION PROHIBITS THE STATE FROM PROSECUTING A PERSON BASED UPON CHARGES FOUNDED UPON IDENTICAL EVIDENCE WITHIN THE POSSESSION OF THE STATE AT THE TIME OF THE FIRST PROSECUTION, WHERE THE STATE USES CROSS-EXAMINATION OF THE DEFENDANT IN THE FIRST TRIAL TO OBTAIN EVIDENCE TO BE USED IN THE SECOND TRIAL?

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IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1990

ALLAN M. THOMANN, Petitioner,

v.

PEOPLE OF THE STATE OF ILLINOIS,
Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE FOURTH DISTRICT APPELLATE COURT OF THE STATE OF ILLINOIS

The Petitioner, ALLAN M. THOMANN, respectfully prays that a Writ of Certiorari issue to review the judgment and opinion of the Fourth District Court of Appeals for the State of Illinois, entered in the above-entitled proceeding on May 1, 1990.

OPINION BELOW

The opinion of the Fourth District Court of Appeals of the State of Illinois is recorded at 197 Ill. App. 3d 516, 544 N.E. 2d 755, 143 Ill. Dec. 820

(4th Dist. 1990), and is reprinted in the appendix hereto as 1a-1i.

JURISDICTION

This Court's jurisdiction is invoked under 28 U.S.C. Sec. 1257, the Petitioner raising a claim under the United States Constitution in a criminal prosecution.

The trial court denied a Motion to Dismiss based upon double jeopardy. This denial was appealed to the Fourth District Appellate Court which issued an opinion denying the appeal on May 1, 1990. A Petition for Leave to Appeal to the Illinois Supreme Court was timely filed and was denied by that Court on October 3, 1990.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Fifth Amendment:

No person shall be held to answer . .

. nor shall any person be subject for the same offense to be twice put in jeopardy of life of limb . . . nor be deprived of life, liberty, or property, without due process of law . . .

United States Constitution, 14th Amendment:

...; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATUTES INVOLVED

Illinois Revised Statutes, Chapter 38, Section 11-20.1:

(a) A person commits the offense of child pornography who:

(1) . . . any child whom he knows or reasonably should know to be under the age of 18 where such child is:

(i) actually or by simulation engaged in any act of sexual intercourse with any person or animal; or

(ii) actually or by simulation engaged in any act of sexual contact involving the sex organs of the child and the mouth, anus, or sex organs of another person or animal; or which involves

the mouth, anus or sex organs of the child and the sex organs of another person or animal; or

(iii) actually or by simulation engaged in any act of masturbation; or

(iv) actually or by simulation portrayed as being the object of, or otherwise engaged in, any act of lewd fondling, touching, or caressing involving another person or animal; or

(v) actually or by simulation engaged in any act of excretion or urination within a sexual context, or

(vi) actually or by simulation portrayed or depicted as bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in any sexual context, or

(vii) depicted or portrayed in any pose, posture or setting involving a lewd exhibition of the genitals of the child or other person; or

(2) with the knowledge of the nature or content thereof, reproduces, disseminates, offers to disseminate, exhibits or possesses any film, videotape,

photograph or other similar visual reproduction of any child whom the person knows or reasonably should know to be under the age of 18 engaged in any activity described in subparagraph (i) through (vii) of paragraph (1) of this subsection . . .

(c) . . . violation of paragraph (2) of subsection (a) is a class 4 felony with a mandatory minimum fine of $1,000.00 and a maximum fine of $25,000.00

STATEMENT OF THE CASE

On September 8, 1988, a Search Warrant was executed on the residence of 206 Edwards, Danville, Illinois. During this search warrant, certain advertisements were recovered by the Danville Police Department and Investigator Chris Hunt of the Indiana State Police. These advertisements are identified as Defendant's #1 through #6 in the second prosecution. These advertisements are included as portions of #10B, #10B3 and #10C in the first prosecution.

The testimony of the Assistant State's Attorney in charge of the prosecution of Allan Thomann, Deborah Simpson shows that she was aware of the existence of these advertisements, at the latest by December 1988.

On September 8, 1988, the State's

Attorney of Vermilion County, filed charges against Allan Thomann for dissemination and possession of child pornography. A trial in the first prosecution was had before the Honorable Thomas J. Fahey from June 12, 1989, through June 15, 1989. During this trial, Allan Thomann testified and was cross examined, over the Defendant's objection, concerning the advertisements identified as Defendant's #1 through #6 in the second case.

On June 15, 1989, Allan Thomann made his first appearance on the second information in Vermilion County 89-CF-185.

On June 23, 1989, a Grand Jury Indictment was returned in open court substantially identical to the original information filed in 89-CF-185.

As far as the State's Attorney's

Office believes, the advertisements (Defendant's #1 through #6) were in the actual possession of the Danville Police Department from September 8, 1988 on. There was no additional evidence received against Allan Thomann, or recovered since the search of September 8, 1988, according to the testimony of the prosecutor.

On September 29, 1989, there was a hearing held on Allan Thomann's Motion to Dismiss based upon former jeopardy. Testimony was taken before the Honorable Thomas J. Fahey. And on October 2, 1989, the trial court denied Allan Thomann's Motion to Dismiss based upon former jeopardy.

A Notice to Appeal was filed on October 4, 1989.

On May 1, 1990, the Fourth District Appellate Court denied Allan Thomann's appeal.

On October 3, 1990, the Supreme Court of the State of Illinois denied Allan Thomann's Petition for Leave to Appeal.

The federal constitutional question was specifically raised by pretrial motion to dismiss before the trial court and in the briefs presented to the Fourth District Appellate Court. Motion to Dismiss filed August 23, 1989(attached as pp. 2a-2e in appendix)

REASONS FOR GRANTING THE WRIT

THE DECISION BELOW EVISCERATES THIS COURT'S RULING IN HOAG v. NEW JERSEY, 356 U.S. 464, 76 S. Ct. 829 (1958), BY ALLOWING THE STATE TO CROSS-EXAMINE A DEFENDANT CONCERNING EVIDENCE WITHIN ITS POSSESSION AND WHICH IS INTIMATELY RELATED TO THE EVIDENCE IN THE FIRST PROSECUTION AND THIS COURT SHOULD GRANT REVIEW TO PRECLUDE THIS TYPE OF ATTEMPTED EVASION OF THE DUE PROCESS RIGHTS OF DEFENDANTS.

The appellate court in this case ignored the abuse of the court system being perpetrated by the Vermilion County State's Attorney. In this case, the State's Attorney with knowledge of the evidence underlying this second case, failed to proceed on a decision to charge until the day the trial in the first case

started. Then, the State's Attorney, over objection, cross-examined Allan Thomann on the evidence underlying this second prosecution. Only after this, did the State's Attorney call the second case up for Allan's first appearance and the setting of bond. Thus, the State maneuvered the trial court into allowing the taking of a deposition from the defendant even though Allan did not wish to give a statement to the State when originally arrested. This procedure violates the due process clause of the 14th Amendment of the United States Constitution by resulting in a successive prosecution which is "fundamentally unfair". Hoag v. New Jersey, 356 U.S. 464, 76 Sup. Ct. 829 (1958); United States Ex Rel Hetenyi v. Wilkins, 348 F. 2d 844 (2d Circ. 1965)

The question to be determined is

"...whether successive trials arising from admittedly separate crimes, but stemming from the same criminal transaction, nevertheless violated petitioner's right to due process in the form of his right to be free of prosecutorial attempt 'to wear the accused out by a multitude of cases with accumulated trials.'" Tucker v. Makowski, 883 F. 2d 877 (10th Cir. 1989), quoting Palko v. Connecticut, 302 U.S. 319, 328, 58 Sup. Ct. 149, 153, 82 L. Ed. 288 (1937).

The appellate court failed to follow this analysis. The lower court felt that once it is determined that more than one act of misconduct took place, the analysis ends. As Tucker v. Makowski, 883 F. 2d 877 (10th Cir. 1989) explains, even assuming separate crimes, due process may bar a second prosecution based on a person's right to be free of prosecutorial

attempt to wear him out. The question of the fundamental fairness of the successive prosecutions under the analysis of Tucker was ignored by the appellate court. This evasion of a substantial federal constitutional question requires additional review.

The decision below questions the continued validity of this due process analysis. In Hoag v. New Jersey, 356 U.S. 464, 76 S. Ct. 829 (1958), the prosecution involved a robbery with four(4) different victims. The State in that instance prosecuted the case of three(3) of the victims' first. During the evidence in that prosecution, an eye witness for the State changed his testimony thereby assisting in obtaining an acquittal. There was no dispute that the State was surprised by the change in testimony and significantly hampered in their

prosecution. This Court found that it was not fundamentally unfair for the State to then proceed with the second prosecution based upon the fourth victim. However, in that situation the State had a legitimate claim of surprise to support why it was not fundamentally unfair to have a successive prosecution.

In this case, the State took possession of all materials other than the original videotape, on September 8, 1988. Every piece of evidence used in the first trial was in custody of the State on September 8, 1988. They maintained the evidence. The assistant state's attorney assigned was specifically aware of the items that are the basis of the charges in the second case, at the very latest, in December 1988.

Allan Thomann went to trial on the charges in the first case which started on

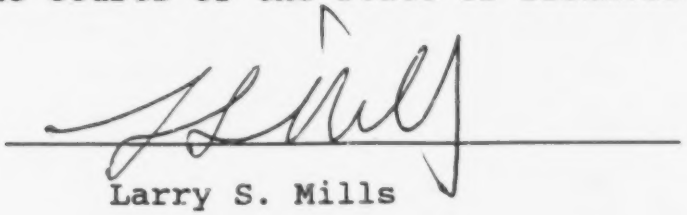
June 12, 1989. Allan Thomann testified in his own defense in the first trial and was cross examined based upon the items that are the basis of the charges in the second case, on June 14, 1989. The State's Attorney's office did not request the first appearance of Allan Thomann on the second set of charges until June 15, 1989, after his testimony and his being cross-examined concerning the exhibits that are the basis of the charges in the second case.

The nature of the charges included in the second case are substantially the same as the charges in the first case. The charges in the second case, being possession of child pornography, while the charges in the first case included possession and dissemination of child pornography. And not only was the State's Attorney's Office not surprised by any

change in evidence, unlike the State in Hoag, there has been absolutely no new evidence discovered since September 8, 1988, according to the prosecutor in the case.

CONCLUSION

Therefore, this Court should issue a Writ of Certiorari to review the decision of the courts of the State of Illinois.



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APPENDIX

NO. 4-89-0797

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from Circuit Court
Plaintiff-Appellee,	)	County of Vermilion
v.	)	No. 89CF185
ALLAN M. THOMANN,	)	Honorable Thomas J. Fahey
Defendant-Appellant.	)	Judge Presiding

JUSTICE LUND delivered the opinion of the court:

On June 12, 1989, defendant Allan Thomann was charged by information in the circuit court of Vermilion County with committing three counts of the offense of child pornography. (Ill. Rev. Stat. 1987, ch. 38, par. 11-20.1(2).) He subsequently filed a motion to dismiss, alleging this prosecution, due to an earlier prosecution, was barred by the compulsory-

joinder provisions of section 3-3 of the Criminal Code of 1961 (Code) (Ill. Rev. Stat. 1987, ch. 38, par 3-3) and the fundamental unfairness of the procedure, which the court denied. Defendant now appeals. We affirm.

Initially, the State argues this appeal should be dismissed, Supreme Court Rule 604 (107 Ill. 2d 604) contains the authority for when appeals can be taken in criminal cases. Rule 604(f) provides that the defendant may appeal the denial of a motion to dismiss a criminal proceeding on grounds of former jeopardy. The State believes this should be construed as referring to only double-jeopardy claims. It observes that defendant admits his motion to dismiss is not based on conventional double-jeopardy analysis. Accordingly, it believes Rule 604(f) is not applicable and this appeal should be dismissed, since the circuit court's

decision is not appealable under any of the other provisions of the rule. However, we disagree with the State's characterization of the rule.

Subsection (f) of Rule 604 was added on June 15, 1982 (87 Ill. 2d R. 604), apparently in response to People ex rel. Mosley v. Carey (1979), 74 Ill. 2d 527, 387 N.E.2d 325, where the court held that no interlocutory right of appeal existed when a motion to dismiss based on double jeopardy was denied. However, this does not mean Rule 604(f) is limited to those situations. We note the supreme court used the phrase "former jeopardy" rather than "double jeopardy," which it could have used if it meant to so restrict the rule's application.

Section 3-4 of the Code (Ill. Rev. Stat. 1987, ch. 38, par. 3-4) sets forth the situations when a current prosecution is barred by a former one. Its central

purpose is to codify the rules of double jeopardy. (People v. Mueller (1985), 109 Ill. 2d 378, 383, 488 N.E.2d 523, 525.) It provides, in part, that a prosecution is barred, if a defendant had formerly been prosecuted and the present prosecution is for an offense with which the defendant should have been charged in the former prosecution, pursuant to section 3-3 (Ill. Rev. Stat. 1987, ch. 38, par. 3-4(b)(1)). It is clear the legislature deemed this remedy to be comparable and analogous to that of double jeopardy. This is further borne out by the committee comments to section 3-4, which provide:

> "Also, in order to give effect to the compulsory-joinder provisions of Section 3-3, a bar to subsequent prosecution must be recognized when, in the former prosecution, an offense

> was not charged which should have been charged if it were to be tried at all. [Citation.] Since the compulsory-joinder requirement is not in the present Illinois statute, this provision in subsection 3-4(b)(1) will, to that extent, establish an addition to the grounds of double jeopardy in this State." (Ill. Ann. Stat., ch. 38, par. 3-4, Committee Comments, at 127 (Smith-Hurd 1989).)

Therefore, we conclude that the supreme court, by use of the phrase "former jeopardy," intended to include all those situations as set forth in section 3-4 wherein a former prosecution is asserted as a bar to a subsequent prosecution.

Now, as to the merits, defendant maintains the trial court erred in denying

his motion to dismiss. He believes the present prosecution is barred by an earlier prosecution for a similar offense. A brief factual review is necessary.

On September 8, 1988, defendant was charged in Vermilion County case No. 88-CF-210 with committing five counts of the offense of child pornography. (Ill. Rev. Stat. 1987, ch. 38, par. 11-20.1(a)(2).) The information alleged that on July 14, 1988, he possessed and disseminated a videotape to an undercover policeman.

On the same date, the police received a search warrant for defendant's residence and numerous items were recovered. In December 1988, as the parties prepared for trial, it was discovered that among those items were several advertisements which also contained pictures of an allegedly similar nature. When no plea agreement could be reached, case No. 88-CF-210 was set for trial. On the evening of this

trial, June 12, 1989, the State filed the instant case alleging three counts of possession of child pornography based on defendant's possession, on September 8, 1988, of the above-mentioned advertisements. Defendant was subsequently convicted in case No. 88-CF-210.

Defendant believes the trial in case No. 88-CF-210 acts as a bar to the present prosecution. He bases his argument on the perceived fundamental unfairness of the procedure, relying on People v. Golson (1965), 32 Ill. 2d 398, 207 N.E.2d 68, and on application of sections 3-3 and 3-4 of the Code. Ill. Rev. Stat. 1987, ch. 38, pars. 3-3, 3-4.

Section 3-3 of the Code is also known as the compulsory-joinder statute. It provides in relevant part:

"(a) When the same conduct of a defendant may establish the

commission of more than one offense, the defendant may be prosecuted for each such offense.

(b) If the several offenses are known to the proper prosecuting officer at the time of commencing the prosecution and are within the jurisdiction of a single court, they must be prosecuted in a single prosecution, except as provided in Subsection (c), if they are based on the same act." (Emphasis added.) (Ill. Rev. Stat. 1987, ch. 38, par. 3-3(a)(b).)

Once a defendant has been prosecuted for an offense, the State is barred from prosecuting him for any other offense which, pursuant to section 3-3, should have been joined with the original

prosecution. Ill. Rev. Stat. 1987, ch. 38, par. 3-4(b)(1).

Our supreme court, in a case involving the offenses of homicide and concealment of a homicide, recently explained the application of section 3-3:

> "The fact that the shootings and the acts of concealment were related is irrelevant. There is no requirement of joinder where multiple offenses arise from a series of related acts. (People v. Griffin (1967), 36 Ill. 2d 430, 433-34; People v. Patete (1980), 91 Ill. App. 3d 655; People v. Whitlow (1977), 48 Ill. App. 3d 425.) Section 3-3 is not intended to cover the situation in which several offenses *** arise from a series of acts which are closely

related with respect to the offender's single purpose or plan. (Ill. Ann. Stat., ch. 38, par. 3-3, Committee Comments, at 202 (Smith-Hurd 1972).) Indeed, the drafters considered and rejected an earlier version of section 3-3(b) which would have required a single prosecution when multiple offenses arose from the same conduct (Ill. Ann. Stat., ch. 38, par. 3-3, Committee Comments, at 201 (Smith-Hurd 1972)); the term 'conduct' could, of course, refer to a series of acts (Ill. Rev. Stat. 1981, ch. 38, par. 2-4; see People v. Griffin (1967), 36 Ill. 2d 430, 433-34). The purpose of this section as enacted was to preclude successive prosecutions where

more than one person was injured by a single act of the accused, such as setting of an explosive. Ill. Ann. Stat., ch. 38, par. 3-3, Committee Comments, at 201 (Smith-Hurd 1972); People v. Crabtree (1980), 82 Ill. App. 3d 87.

Because the murder and concealment charges were based on separate acts, the compulsory-joinder statute did not require prosecution of both offenses in the same proceeding." Mueller, 109 Ill. 2d at 385-86, 488 N.E.2d at 526-27.

In the case at bar, defendant was prosecuted for possessing and disseminating, on July 14, 1988, a videotape containing child pornography. The present case involves possession, on

September 8, 1988, of advertisements allegedly containing similar material. It is evident, then, that these are separate acts. The fact the offenses involve similar conduct and violations of the same statutory provision is of little consequence. As the committee comments explained, "Section 3-3 is not intended to cover the situation in which several offenses--either repeated violations of the same statutory provision or violations of different provisions--arise from a series of acts which are closely related with respect to the offender's single purpose of plan." (Emphasis added." (Ill. Ann. Stat., ch. 38, par. 3-3, Committee Comments, at 102 (Smith-Hurd 1989).) Accordingly, since section 3-3 does not mandate the cases be tried together, the provisions of section 3-4 which would bar the present prosecution are inapplicable.

Similarly, defendant's fundamental unfairness argument must fail. Defendant's position is that since the State had the evidence in its possession for over eight months prior to filing this charge, and since this case is for similar conduct as the first, the State is attempting to wear him down by successively prosecuting him on the same evidence in the two cases which violates the due process of law. He observes the supreme court found such fundamental unfairness in Golson and believes this court should also.

We preliminarily observe that the Golson court, noting that section 3-3 was not in effect at the time of that crime, seems to suggest that section 3-3 supplants this argument. (Golson, 32 Ill. 2d at 411-12, 207 N.E.2d at 75-76.) However, to the extent this analysis is

still tenable, it is evident it has no impact on the present case.

In Golson, the defendants were charged with murder as conspirators to a condefendant who shot and killed two victims during a robbery. They were convicted in one trial involving one victim and received a 50-year sentence. The State, finding the sentence insufficient, tried the defendants for the second murder, and they each received a 199-year sentence to run consecutive to the sentence imposed at the first trial. Both cases involved the same evidence. The supreme court, finding fundamental unfairness, reversed. Its decision was predicated on the fact these defendants were involved in a "single act of misconduct." (Golson, 32 Ill. 2d 412, 207 N.E.2d at 76.) However, the present case, as earlier explained, does not involve one act of misconduct but separate and

distinct acts. Thus, Golson is distinguishable and inapplicable.

The fact the State had the evidence in its possession for eight months prior to filing this charge does not affect the result. The important question is not when or how long the State possessed the evidence, but whether the crimes are based on separate acts. Likewise, the use of the evidence in this offense in the trial for the first case is of little significance. No authority has been cited or found for the proposition that use of evidence of a defendant's criminal activity in a trial for an offense based on a separate act somehow bars the subsequent prosecution of the criminal activity in its own right. The authority is probably missing because the proposition makes little sense. The bottom line is that the offenses asserted in this case are based on different acts from the earlier prosecution. There is no

fundamental unfairness in prosecuting a defendant in separate trials for similar statutory violations based on separate and distinct acts.

Affirmed.

GREEN and McCULLOUGH, JJ., concur.

IN THE CIRCUIT COURT
FOR THE FIFTH JUDICIAL CIRCUIT OF
ILLINOIS, VERMILION COUNTY,
ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	
Plaintiffs,	)	
vs.	)	Case No. 89-CF-185
ALLAN M. THOMANN,	)	
Defendant.	)	

MOTION TO DISMISS

NOW COMES the Defendant, ALLAN M. THOMANN, by and through his attorneys, LAW OFFICES OF RICHARD J. DOYLE AND ASSOCIATES, and hereby moves this Honorable Court to dismiss the charges pending against him in the above-captioned case, and in support of his Motion, now states as follows:

1. That the Defendant was previously found guilty by this Court of one count of dissemination of child pornography in case number 88-CF-210.

2. That the Plaintiffs commenced prosecution in case 88-cf-210 by issuance of information on September 8, 1988.

3. That the Plaintiffs commenced prosecution in the instant case by issuance of information on June 12, 1989, the morning of trial for case number 88-CF-210.

4. That the Plaintiffs subsequently brought an indictment against the Defendant on June 23, 1989, for case number 89-CF-185.

5. That the evidence alleged to be the basis for the current charges was seized from the Defendant's residence pursuant to search warrant on September 8, 1988.

6. That the evidence alleged to be the basis for the current charges was introduced as evidence for Plaintiffs at trial in case number 88-CF-210.

7. That the material tendered to the Defendant through discovery in the instant case is the same material which was tendered through discovery in case number 88-CF-210, with the addition of a transcript of certain testimony before a Vermilion County Grand Jury on June 19, 1989.

8. That the aforementioned testimony:

a) was given by Investigator Lee Oliver of the Danville Police Department, who was a witness for the Plaintiffs at trial in case number 88-CF-210;

b) was elicited by assistant State's Attorney Deborah L. Simpson, who was the prosecutor in case number 88-CF-210;

c) and dealt with the same subjects and facts as were dealt with and adduced at trial in case number 88-CF-210.

9. That the Plaintiffs have had control of and access to any and all materials seized from the Defendant's residence since September 8, 1988, excepting materials deemed irrelevant by the plaintiffs and returned to the Defendant.

10. That through due diligence in the performance of prosecutorial duties, the Plaintiffs reasonably could have and should have sought to prosecute the charges now pending with the charges contained in case number 88-CF-210.

11. That this subsequent prosecution is fundamentally unfair and detrimental to the Defendant in that the Defendant is being forced to trial twice on the same evidence, subjecting the Defendant to unremitting public persecution.

12. That the offenses alleged in both cases were and are within the jurisdiction of this Court.

13. That the offenses alleged in both cases were based upon the same alleged voluntary act, namely, the possession of child pornography.

14. That section 3-3(b) of the Criminal Code mandates that offenses based upon the same act be prosecuted in a single prosecution if the offenses are known to the proper prosecuting officer at the time of commencing the prosecution and are within the jurisdiction of a single court. Illinois Revised Statutes, Chapter 38, para. 3-3(b).

15. That section 3-4(b)(1) of the Criminal Code bars prosecution if the Defendant was formerly prosecuted and convicted for the same offense based on different facts, and the subsequent prosecution is for an offense with which the Defendant should have been charged on the former prosecution, as provided in section 3-3(b) of the Criminal Code.

Illinois Revised Statutes, Chapter 38, para. 3-3(b), para. 3-4(b)(1).

WHEREFORE, the Defendant herein prays this Honorable Court to dismiss Case No. 89-CF-185, and each and every charge contained therein, with prejudice.

Respectfully submitted,
ALLAN M. THOMANN, Defendant

BY: _____
One of Said Attorneys

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PROOF OF SERVICE

I, the undersigned, being first duly sworn, depose and say that I hand-delivered a copy of the Motion to Dismiss to:

State's Attorney's Office
7 North Vermilion Street
Danville, Illinois 61832

on the 22nd day of August, 1989.

_____

Subscribed and sworn to
before me this 22nd day of
August, 1989.

_____
Notary Public

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